

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5341  
Facsimile: (916) 327-8643  
7

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2010-466

15 **ANGELINA M. GENON**  
16 **3371 Mayfield Drive**  
**Rescue, California 95672**

**ACCUSATION**

17 **Registered Nurse License No. 504480**

18 Respondent.

19  
20 Louise R. Bailey, M.Ed, RN ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the Interim  
23 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

24 **License History**

25 2. On or about September 23, 1994, the Board of Registered Nursing issued Registered  
26 Nurse License Number 504480 ("License") to Angelina M. Genon ("Respondent"). The License  
27 will expire on June 30, 2010, unless renewed.

28 ///

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

....

## REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

9. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

### **BACKGROUND**

10. In February of 2006, Respondent was an employee of Puri's Residential Care Home in Sacramento, California, and Purificacion S. Mendoza was the administrator. On or about February 17, 2006, an elderly resident of Puri's Residential Care Home under Respondent's care was seen by his primary physician for a physical assessment for relocation<sup>1</sup> to another facility. During the assessment multiple decubitus ulcers (commonly known as bedsores) were observed on the resident's hips, tailbone and one heel, ranging from Stage II to Stage IV. The resident was subsequently admitted to the hospital for assessment, treatment and nutritional support related to his multiple bedsores.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Gross Negligence)**

11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that prior to February 17, 2006, while employed at Puri's Residential Care Home in Sacramento, California, Respondent committed acts constituting gross negligence, as defined in California Code of Regulations, title 16, section 1442, in that Respondent knew or should have known about an elderly resident's bedsores and should have notified the resident's physician or otherwise reported the bedsores and sought appropriate medical intervention.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Incompetence)**

12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that prior to February 17, 2006, while employed at

---

<sup>1</sup> The resident's relocation was unrelated to the allegations contained within this Accusation.

1 Puri's Residential Care Home in Sacramento, California, Respondent committed acts constituting  
2 incompetence, as defined in California Code of Regulations, title 16, section 1443, in that  
3 Respondent knew or should have known about an elderly resident's bedsores and should have  
4 notified the resident's physician or otherwise reported the bedsores and sought appropriate  
5 medical intervention.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

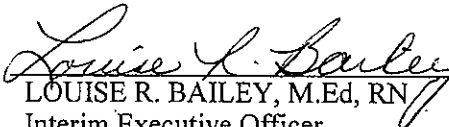
8 13. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
9 the grounds of unprofessional conduct, as more particularly set forth in paragraphs 11 and 12,  
10 above.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 504480 issued to  
15 Angelina M. Genon;  
16 2. Ordering Angelina M. Genon to pay the Board the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to Code section 125.3; and,  
18 3. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: 3/29/10

  
LOUISE R. BAILEY, M.Ed, RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

21  
22  
23  
24 SA2008101474  
30817713.doc